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**SLIP OPINION NO. 2008-OHIO-1590**

**THE STATE EX REL. WHITE, PROS. ATTY., APPELLEE, v. BILLINGS,  
APPELLANT, ET AL.**

**[Until this opinion appears in the Ohio Official Reports advance sheets,  
it may be cited as *State ex rel. White v. Billings*,  
Slip Opinion No. 2008-Ohio-1590.]**

*Court of appeals' judgment reversed on the authority of Hyle v. Porter.*

(No. 2007-1839 — Submitted March 12, 2008 — Decided April 9, 2008.)

APPEAL from the Court of Appeals for Clermont County,  
No. CA2006-09-072, 2007-Ohio-4356.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *Hyle v. Porter*, 117 Ohio St.3d 165, 2008-Ohio-542, \_\_\_ N.E.2d \_\_\_.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,  
LANZINGER, and CUPP, JJ., concur.

O'DONNELL, J., dissents.

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SUPREME COURT OF OHIO

Donald W. White, Clermont County Prosecuting Attorney, and David H. Hoffmann, Assistant Prosecuting Attorney, for appellee.

Ohio Justice & Policy Center and David A. Singleton, for appellant.

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